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10/653,247	09/03/2003	Kazuhiro Itagaki	018775-875	2827
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CRUZ, IRIANA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/653,247

Applicant(s)

ITAGAKI, KAZUHIRO

Examiner

IRIANA CRUZ

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendments, therefore this action is FINAL.
2. Applicant argues that Sugawara'848 does not disclose "the issuance of a communication management report for a plurality of users and transmissions". Examiner respectfully disagrees. Interpreting the claims in its most broadest reasonable way possible Sugawara'848 does teaches means for notifying/issuing message disposition notification (MDN), this information is given in the form of reports with a communication management information table for storing the communication management information which is formed each time the transmission and reception of the facsimile of the transmission and reception by email are executed (see abstract, Paragraphs 6-9, 43-51, 58-59, 69-76, 233-237, 239-246 and Figure 25-26). Also Sugawara'848 in claims 1-5, 7 and 38 describes updating the transmission information which is managed by said communication managing means like the management report table showing status within a predetermined period of time and notifying/issuing means for notifying the detection of said control information by visualizing means or monitoring means.
3. After reading the amendment to the claims and reading the claim in its broadest reasonable way possible, examiner revised Sugawara'848 and noticed the sixth embodiment describes previously sent transmissions results where the receipt confirmation is uncertain still to that transmission management report.

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Figure 26 shows a plurality of transmissions (see column NO.) 1-10, where transmission 1-9 have been sent (see column Result, where OK means transmission has been previously sent) and of those transmissions 2, 5 and 8 where although the transmission was successfully finished, the receipt notification cannot be discriminated therefore is uncertain (See Paragraph 233-237 and 239-245).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugawara et al. (2002/0019848 A1) in view Ushida (US 7366757 B1).

Regarding **Claim 1**, Sugawara'848 shows a data transmission apparatus comprising: a sender which sends an e-mail and a request for a return confirmation of receipt of the e-mail to a destination (**i.e., a sender sends email and ads MDN for a request for a return confirmation of receipt. See Paragraphs 6-9, 43-51, 58-59, 69-76, 233-237, 239-246 and Figure 25-26 and claims 1-7 and 38**); a receiver which receives the confirmation of receipt from the destination (**i.e., confirmation email can be sent and received. See Paragraphs 6-9 and 69-76**); and a controller which issues a transmission

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management report, describing a result of previously sent transmission for a plurality of transmissions in the transmission management report, wherein said controller describes in the transmission management report a previously sent transmission or transmissions on which the result of transmission is uncertain when the transmission management report is issued (**i.e., notifying/issuing message disposition notification (MDN)**, this information is given in the **form of reports with a communication management information table for storing the communication management information which is formed each time the transmission and reception of the facsimile of the transmission and reception by email are executed. See Paragraphs 6-9, 43-51, 58-59, 69-76, 233-237, 239-246 and Figure 25-26 also see claims 1-7 and 38).**

Sugawara'848 fails to specifically show transmission management reports being issued at predetermined timings.

Ushida'757 teaches transmission management reports being issued at predetermined timings (**i.e., notifying means for notifying updates in the communication transmission contents are shared/transmitted notified when updated or at arbitrary timings. See Column 13, Lines 25-57).**

Having the system of Sugawara'848 and then given the well-established teaching of the Ushida'757, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system as suggested by the combination of Sugawara'848 with the teachings of Ushida'757, by adding the option of adding time limitations to when to update transmission information knowledge to the management transmissions reports

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would help improve the system to a more user friendly and efficient system where the user is updated in the status of all the transmission sent.

Regarding **Claim 2**, the combination of Sugawara'848 and Ushida'757 shows a data transmission apparatus wherein the transmission or transmissions on which the result of transmission is uncertain include a previously sent transmission or transmissions on which the confirmation of result of transmission had not been received and a predetermined wait time had not elapsed when the transmission management report is issued (**i.e., plurality of transmissions (see column NO.) 1-10, where transmission 1-9 have been sent (see column Result, where OK means transmission has been previously sent) and of those transmissions 2, 5 and 8 where although the transmission was successfully finished, the receipt notification cannot be discriminated therefore is uncertain. See Paragraph 233-237 and 239-245. and Figure 26).**

Regarding **Claim 3**, the combination of Sugawara'848 and Ushida'757 shows a data transmission apparatus wherein said controller describes in the transmission management report that the result of transmission is uncertain for the previously sent transmission or transmissions on which the result of transmission is uncertain (**i.e., plurality of transmissions (see column NO.) 1-10, where transmission 1-9 have been sent (see column Result, where OK means transmission has been previously sent) and of those transmissions 2, 5 and 8 where although the transmission was successfully finished, the receipt notification cannot be discriminated therefore is uncertain. See Paragraph 233-237 and 239-245 and Figure 26).**

Regarding **Claim 4**, the combination of Sugawara'848 and Ushida'757 shows a data transmission apparatus wherein said controller describes in the transmission management report the previously sent transmission or transmissions on which a last transmission management report stated that the result of transmission is uncertain (**i.e., transmission 2, 5 and 8. See Figure 26**).

Regarding **Claim 5**, the combination of Sugawara'848 and Ushida'757 shows a data transmission apparatus wherein said controller describes in the transmission management report that the result of transmission is certain if the result of transmission becomes certain for the previously sent transmission or transmissions, on which a last transmission management report stated that the result of transmission is uncertain, when the transmission management report is issued (**i.e., See Figure 26**).

Regarding **Claim 6**, the combination of Sugawara'848 and Ushida'757 shows a data transmission apparatus wherein the request of returning confirmation of receipt is based on an MDN (**i.e., a sender sends email and ads MDN for a request for a return confirmation of receipt. See Paragraphs 6-9, 43-51, 58-59, 69-76, 233-237, 239-246 and Figure 25-26 and claims 1-7 and 38**).

With regards to method **Claim 7**, the limitation of the claim 7 are corrected by limitation of claim 1 above. The steps of claim 7 read into the function step of claim 1.

With regards to method **Claim 8**, the limitation of the claim 8 are corrected by limitation of claim 2 above. The steps of claim 8 read into the function step of claim 2.

With regards to method **Claim 9**, the limitation of the claim 9 are corrected by limitation of claim 3 above. The steps of claim 9 read into the function step of claim 3.

With regards to method **Claim 10**, the limitation of the claim 10 are corrected by limitation of claim 4 above. The steps of claim 10 read into the function step of claim 4.

With regards to method **Claim 11**, the limitation of the claim 11 are corrected by limitation of claim 5 above. The steps of claim 11 read into the function step of claim 5.

With regards to method **Claim 12**, the limitation of the claim 12 are corrected by limitation of claim 6 above. The steps of claim 12 read into the function step of claim 6.

Regarding **Claim 13**, the combination of Sugawara'848 and Ushida'757 shows a data transmission apparatus wherein the transmission management report is issued when the number of previously sent transmissions on which the result of transmission is uncertain reaches a predetermined value (**i.e., See Paragraph 244**).

With regards to method **Claim 14**, the limitation of the claim 14 are corrected by limitation of claim 13 above. The steps of claim 14 read into the function step of claim 13.

Regarding **Claim 15**, the combination of Sugawara'848 and Ushida'757 shows a data transmission apparatus wherein the transmission management report includes results of confirmations of receipt for previously sent transmissions that have been designated as delivered or undelivered since a previous transmission management report (i.e., **plurality of transmissions (see column NO.) 1-10, where transmission 1-9 have been sent (see column Result, where OK means transmission has been previously sent) and of those transmissions 2, 5 and 8 where although the transmission was successfully finished, the receipt notification cannot be discriminated therefore is uncertain. See Paragraph 233-237 and 239-245 and Figure 26).**

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IRIANA CRUZ whose telephone number is (571)270-3246. The examiner can normally be reached on Monday-Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

Iriana Cruz
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July 3, 2010

/I. C./

Examiner, Art Unit 2625